

**STAFF REPORT
ZONING BOARD OF ADJUSTMENT**

Thursday, February 13, 2020

9:00 a.m.

**Family Living Center – Montana Expo Park
400 3rd St NW, Great Falls, MT 59404**

SUP #001-2020

Subject Property Information

Name of Applicant & Owner:	Marshall R & Danita Severson PO Box 53 Black Eagle, MT 59414-0053
Legal Description:	Section 8, Township 21 North, Range 4 East, in E ½ NW ¼ Mk 18B
Geo-Code(s):	02-3139-08-1-01-10-0000
Parcel Number(s):	0002677100
Existing & Surrounding Zoning:	Rural Residential (RR5)
Requested Action:	Approval of a Special Use Permit to allow a Second Dwelling
Surrounding Land Uses:	North: Residential outbuildings South: Undeveloped East: Undeveloped West: Residential
Current Land Use:	Residential
Applicable Regulations:	Sections 7.1.1.3(1) & 10 Cascade County Zoning Regulations

General Information:

The Cascade County Zoning Board of Adjustment is in receipt of a Special Use Permit application from Marshall “Marty” and Danita Severson to allow a second dwelling on their property at 22 Essex Lane on Mk 18B in the E ½ NW ¼ Section 8, Township 21 North, Range 4 East, Cascade County, Montana. The applicant is requesting that a Special Use Permit be granted as required by Section 7.1.1.3(1) of the Cascade County Zoning Regulations.

General Provisions

A special use is a use for which conformance to additional standards will be required and shall be deemed to be a permitted use in its respective district, subject to the standards and requirements set forth herein, in addition to other applicable requirements of these regulations. All such uses are hereby said to possess characteristics of such unique and special forms that each specific use shall be considered as an individual case.

A special use permit may be issued only upon meeting all requirements in these regulations for a specific use which is explicitly mentioned as one of the "Uses Permitted Upon Issuance of a Special Use Permit as Provided in Section 10" within the respective zoning districts contained in Section 7 or Section 8.1.5 hereof. After the public hearing is closed, the Zoning Board of Adjustment can approve, deny, or approve with conditions the Special Use Permit. A separate Special Use Permit shall be required per each tract of land. The Special Use Permit fee shall be \$450.00.

Expiration

The Zoning Board of Adjustment approval of the Special Use Permit shall be valid for only one particular use and shall expire one year after the date of approval, if construction or the use has not started. The Zoning Administrator may grant a one-time only six (6) month extension of the Zoning Board of Adjustment approval.

The Special Use Permit shall expire if the use ceases for six (6) months for any reason. Any further extension requests must be granted by the Zoning Board of Adjustment prior to the date of expiration.

Findings of Fact:

1. The property is in the Rural Residential 5 (RR5) Zoning District. The proposed second dwelling is allowed in the RR5 District pursuant to Section 7.1.1.3(1) of the Cascade County Zoning Regulations. *"Rural Residential 5 District...Uses Permitted Upon Issuance of a Special Use Permit...A second dwelling, including accessory dwelling units"*
2. Marshall R "Marty" and Danita Severson are the legal owners of the property.
3. The property is not in violation of any Cascade County Zoning Regulations or any other County Ordinance, and county taxes are current.
4. Legal Notice of the application and the public hearing was published in the Great Falls Tribune on February 2, 2020 and February 9, 2020. Legal Notice was sent to adjacent property owners on February 3,

2020. As of writing this staff report, planning staff has received no comments.

5. A special use permit may be revoked by the Cascade County Board of Adjustment at any time a building(s) or use(s) is deemed to be in violation of the standards and zoning requirements under which the special use permit was issued. A violation of a special use permit will be handled as any other violation under Section 13 of these regulations.
6. Appeals of the Zoning Board of Adjustment decision shall follow the process outlined in Section 12 of the Cascade County Zoning Regulations.
7. Access to the new dwelling unit will be from a shared approach off of Essex Lane, a private road.
8. The proposed residence will receive water from the Homestead Acres rural water district and will be serviced by an on-site septic system.

Findings with Respect to the Analysis Criteria

Staff provides that the following analysis, findings and conclusion for each of the required criteria and conclusions provided under the controlling sections of the Zoning Regulations.

1. Conditions may be required that the Zoning Board of Adjustment determines if implemented, will mitigate potential conflicts in order to reach these conclusions.
2. The proposed development will not materially endanger the public health or safety.

Considerations:

- a. Traffic conditions in the vicinity, including the effect of additional traffic on streets and street intersections, and sight lines at street intersection and curb approaches:

Applicant: No impacts to traffic conditions, will be same family on same parcel.

Staff: The impact to traffic conditions will be negligible and in line with existing development in the landowner's area. There are residences along Essex Lane, and other roads in the vicinity, such as Chandelle Lane. The applicant's chosen site is near the intersection of Essex Lane and US Hwy 87

and is unlikely to generate impacts on property owners further down the road.

- b. Provision of services and utilities including sewer, water, electrical, garbage collections, and fire protection.

Applicant: Existing services in the area. Northwestern Energy for power, on-site propane tank, Bootlegger water and septic.

Staff: There is general access to utilities near this property and staff has not found that any issues will arise due to a lack of utilities. This property would be served by the Black Eagle Volunteer Fire District and they were provided an Interested Agency notice. Staff has communicated with the Homestead Acres Water district, the district has responded that they wish to work with the homeowner directly, this response was forwarded to the applicant.

- c. Soil erosion and sedimentation.

Applicant: Minimal impact, no change to landscape.

Staff: When considering the relative size of the parcel in relation to the proposed project, it is unlikely there would be any impact on soil erosion and sedimentation. This proposal lies outside of the Urbanized area that is considered part of the County Municipal Separate Storm Sewer System (MS4) jurisdiction.

- d. Protection of public, community, or private water supplies, including possible adverse effects on surface waters or groundwater.

Applicant: Minimal impact, will connect to Bootlegger water system, on-site septic.

Staff: Staff does not anticipate any significant impacts to the rural water district or compromise to the groundwater of the area. There is no surface water in the immediate vicinity and the applicant has been in contact with the City-County Health Department regarding a septic permit.

- 3. The proposed development is a public necessity, or will not substantially impact the value of adjoining property.

Considerations:

- a. The relationship of the proposed use and the character of the development to surrounding uses and development, including possible conflicts between them and how these conflicts will be resolved.

Applicant: Additional family residence near original home.

Staff: The proposed development is in line with existing residential development in the area and permissible uses in the RR5 District.

- b. Whether the proposed development is so necessary to the public health, safety, and general welfare of the community or county as whole, to justify it regardless of its impact on the value of adjoining property.

Applicant: No hazard created.

Staff: While the proposed development is not necessary to public health, safety, and general welfare, Staff has not found that an additional residence will generate any contentious issues in the area.

4. The proposed development will be in harmony with the area in which it is located.

Considerations:

- a. The relationship of the proposed use and the character of development to surrounding uses and development, including possible conflicts between them and how these conflicts will be resolved.

Applicant: No conflicts.

Staff: Staff does not anticipate any conflicts with the surrounding residential uses with the addition of a new residence. This proposed residence is more likely to be negatively impacted by the state highway or nearby agricultural uses than the opposite.

- b. Consistency with the municipal and joint land use plans incorporated by the Growth Policy.

Applicant: No impact.

Staff: The proposal is not expected to have any adverse impacts on the municipal and joint land use plans.

5. The proposed development will be consistent with the Cascade County Growth Policy.

Considerations:

- a. Consistency with the growth policy objectives for the various planning areas, its definitions of the various land use classifications and activity centers, and its location standards.

Goal 1: Sustain and strengthen the economic well-being of Cascade County's citizens.

- A. *Stimulate the retention and expansion of existing businesses, new businesses, value-added businesses, wholesale and retail businesses, and industries including agriculture, mining, manufacturing/processing and forest products.*
- B. *Stabilize and diversify the county's tax base by encouraging the sustainable use of its natural resources.*
- C. *Identify and pursue primary business development that complements existing business, which is compatible with communities, and utilizes available assets. Identify and pursue targeted business development opportunities to include, but not limited to, manufacturing/heavy industry, telecommunications, and youth/social services.*
- D. *Promote the development of cultural resources and tourism to broaden Cascade County's economic base.*
- E. *Foster and stimulate well-planned entrepreneurship among the county's citizenry.*
- F. *Promote a strong local business environment. Encourage and strengthen business support mechanisms such as chambers of commerce, development organizations and business roundtable organizations.*
- G. *Improve local trade capture for Cascade County businesses. Promote local shopping as well as well-planned businesses and new businesses.*
- H. *Network with and support other economic development efforts in the region and statewide, in recognition of Cascade County's interdependence with other communities and to leverage available local resources.*

- I. Encourage the growth of the agricultural economy.*
- J. Stimulate the growth of the economy by encouraging the use of alternate methods of energy production, including wind energy.*

Applicant: No impact, will not have any impact for or against this goal.

Staff: Goal one primarily focuses on business and economic activity. The addition of a residence will initially create a business opportunity for a developer or contractor, but is unlikely to have a lasting impact on this goal. As a private residential use, staff has not found that there would be a negative impact on this goal either.

GOAL 2: Protect and maintain Cascade County's rural character and the community's historic relationship with the natural resource development.

Objectives:

- A. Foster the continuance of agriculture and forestry in recognition of their economic contribution and the intrinsic natural beauty of grazing areas, farmlands and forests.*
- B. Preserve Cascade County's scenic beauty and conserve its forests, rangelands and streams, with their abundant wildlife and good fisheries.*
- C. Preserve Cascade County's open space setting by encouraging new development to locate near existing towns and rural settlements and by discouraging poorly designed, land subdivisions and commercial development.*
- D. Assure clean air, clean water, a healthful environment and good community appearance.*
- E. Support the development of natural resources including but not limited to timber, mining, oil and gas production, and renewable energy production.*
- F. Continue to work with federal and state agencies to redevelop properties within Cascade County which are currently undergoing Superfund and Brownfields process.*

Applicant: No impact, will not change farming or agriculture.

Staff: This proposal will preserve the open space setting of the County by locating a new residence in a residentially zoned area on a parcel with an existing home. This proposal is unlikely to have a detrimental impact on the development of natural resources,

agricultural and forestry, the maintenance of a healthful environment, and is not a Superfund or Brownfield site.

GOAL 3: Maintain Agricultural economy

- A. Protect the most productive soil types.*
- B. Continue to protect soils against erosion.*
- C. Protect the floodplain from non-agricultural development.*
- D. Support the development of value-added agricultural industry in Cascade County utilizing the products from the regional area.*

Applicant: No impact, will not change farming or agriculture.

Staff: The size of the parcel and general topography would restrict any agricultural operation to a very small scale, and it does not appear that the property is utilized for agricultural production. The property is outside of any Special Flood Hazard Area. This project is in general compliance with this goal.

GOAL 4: Retain the presence of the US Military in Cascade County.

Objectives:

- A. Encourage the federal congressional delegation to actively support maintaining the current mission status at a minimum.*
- B. Promote the location of additional military missions in Cascade County.*
- C. Encourage the reactivation of the runway at Malmstrom Air Force Base for fixed wing operations.*
- D. Refer to the Joint Land Use Study for resolving conflicts and promoting mission compatible development.*

Applicant: Zero impact.

Staff: Staff does not believe that this application will have any impact on the presence of the US Military in Cascade County. This project is in the Height Military Overlay District F, that restricts structures greater than 500 feet in height above the elevation of the helicopter runway at Malmstrom (3,526 ft). The elevation of the property is approximately 3,500 feet and the addition of a single-family residence is extremely unlikely to create an encroachment. There are no Launch Facilities, Missile Alert Facilities, or Transmission lines in this area.

GOAL 5: Preserve and enhance the rural, friendly and independent lifestyle currently enjoyed by Cascade County's citizens.

Objectives:

- A. Maintain Cascade County's citizens independent lifestyle and minimize local governmental intervention, to the extent possible, consistent with the requirements of a continually evolving economy and constantly changing population.*
- B. Preserve and promote Cascade County's rich cultural heritage, rooted in natural resource development and reflected in its numerous cultural/historic sites and archaeological areas.*
- C. Promote fire prevention measures throughout the county, giving special emphasis to the extreme fire hazards present at the wild land/urban interface.*
- D. Encourage the continued development of educational programs and facilities, recreational opportunities and spaces and health services for all county residents.*

Applicant: Additional residence for my daughter, this will allow her more independence.

Staff: Planning staff agrees that this proposal will allow the intended user of the new residence a greater degree of independence. This proposal is most directly in support of this goal, however is unlikely to have an impact on natural resource development, educational programs and facilities, recreational opportunities and spaces, or health services.

Section 10.7 Operations

Operations in connection with the Special Use permits shall not be more objectionable to nearby properties by reason of noise, fumes, vibrations, or flashing lights, than would be the operation of any permitted use.

Staff: A single family residence is arguably the least intensive use allowed in the Residential Districts, with the exception of possibly a park or an accessory use without a principal use. Staff has found no cause to believe that this use would be more objectionable to nearby properties by reason of noise, fumes, vibrations, or flashing lights, than the operation of any principal or special use in this district.

Motions:

The following motions are provided for the board's consideration:

- A. Alternative 1: Move the Special Use Permit to allow the placement of a Second Dwelling on Mk 18B in the E ½ NE ¼ of Section 8, Township 21 North, Range 4 East, referenced as Parcel 0002677100, Geocode 02-3139-08-1-01-10-0000 be **denied** due to (ZBOA member proposing denial must delineate legal reason that the application be denied); or
- B. Alternative 2: Move the Board adopt the staff report and **approve** the Special Use Permit to allow the placement of a Second Dwelling on Mk 18B in the E ½ NE ¼ of Section 8, Township 21 North, Range 4 East, referenced as Parcel 0002677100, Geocode 02-3139-08-1-01-10-0000 subject to the following conditions:
 1. The applicant obtains any other required county, state, or federal permits and comply with regulations associated with any other permits.
 2. Applicant obtains address from Cascade County GIS Mapping and Addressing for E911 purposes.
 3. Applicant obtains septic permit from the City-County Health Department.

Attachments:

- Special Use Permit Application and Operational Use Statement
- Cascade County Zoning Regulations Section 7.1.1.3(1)
- Vicinity Map
- Correspondence with Homestead Acres Water

cc: Marty and Danita Severson